

1 ARTHUR M. EIDELHOCH, Bar No. 168096
 2 aeidelhoch@littler.com
 3 GALEN M. LICHTENSTEIN, Bar No. 251274
 4 glichtenstein@littler.com
 5 LITTLER MENDELSON, P.C.
 6 650 California Street, 20th Floor
 7 San Francisco, California 94108.2693
 8 Telephone: 415.433.1940
 9 Facsimile: 415.399.8490

10 JACQUELINE E. KALK (*Pro Hac Vice*)
 11 jkalk@littler.com
 12 LITTLER MENDELSON, P.C.
 13 80 South 8th Street, Suite 1300
 14 Minneapolis, MN 55402.2136
 15 Telephone: 612-313-7645
 16 Facsimile: 612.677.3139

17 KELLY D. REESE (*Pro Hac Vice*)
 18 kreeese@littler.com
 19 R. BRADLEY ADAMS (*Pro Hac Vice*)
 20 radams@littler.com
 21 LITTLER MENDELSON, P.C.
 22 63 South Royal Street, Suite 901
 23 Mobile, AL 36602.3218
 24 Telephone: 251-432-2477
 25 Facsimile: 251-432-0427

26 Attorneys for Defendants
 27 CROWDFLOWER, INC., LUKAS BIEWALD
 28 AND CHRIS VAN PELT

William T. Payne (SBN 90988)
 Ellen M. Doyle (*Pro Hac Vice*)
 Edward J. Feinstein (*Pro Hac Vice*)
 STEMBER FEINSTEIN DOYLE PAYNE
 & KRAVEC, LLC
 429 Forbes Avenue, 17th Floor
 Pittsburgh, PA 15219
 412-281-8400 (T), 412-281-1007 (F)
 wpayne@stemberfeinstein.com
 edoyle@stemberfeinstein.com
 efeinstein@stemberfeinstein.com

Mark A. Potashnick (*Pro Hac Vice*)
 WEINHAUS & POTASHNICK
 11500 Olive Blvd., Suite 133
 St. Louis, MO 63141
 314-997-9150 (T), 314-997-9170 (F)
 markp@wp-attorney.com

Ira Spiro (SBN 67641)
 Jennifer Connor (SBN 241480)
 Justin F. Marquez (SBN 262417)
 SPIRO MOORE, LLP
 11377 W. Olympic Blvd., 5th Floor
 Los Angeles, CA 89064
 310-235-2468 (T), 310-235-2456 (F)
 ira@spiromooore.com
 Jennifer@spiromooore.com
 Justin@spiromooore.com

Attorneys for Plaintiffs
 CHRISTOPHER OTEY, MARY GRETH
 & THE CONDITOINALLY CERTIFIED
 FLSA COLLECTIVE ACTION CLASS

19
 20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 CHRISTOPHER OTEY, on behalf of
 24 himself and all others similarly situated,

25 Plaintiff,

26 v.

27 CROWDFLOWER, INC., LUKAS
 28 BIEWALD and CHRIS VAN PELT,

Defendant.

Case No. 3:12-cv-05524-JST/mej

**STIPULATION RE: CONTINUANCE OF
 LITIGATION ACTIVITIES, INCLUDING
 NOTICE OF CONDITIONAL
 CERTIFICATION OF COLLECTIVE
 ACTION, PENDING ANTICIPATED
 SETTLEMENT AND MOTION FOR
 COURT APPROVAL OF SAME**

[PROPOSED] ORDER

1 Plaintiffs CHRISTOPHER OTEY and MARY GRETH ("Plaintiffs") and Defendants
 2 CROWDFLOWER, INC., LUKAS BIEWALD and CHRIS VAN PELT ("Defendants"), by and
 3 through their respective counsel, hereby enter into the following Stipulation Regarding Continuance
 4 of Litigation Activities Pending Anticipated Settlement and Motion for Court Approval of Same.
 5 Specifically, by and through this Stipulation, the parties request that the Court grant the parties leave
 6 to continue all litigation activities, including responses to pending discovery requests and
 7 service/posting of notice of conditional certification of collective action, for an additional thirty days
 8 (from October 31, 2013) to allow the parties to continue to work toward a final settlement of the
 9 instant action in the wake of the parties' mediation which occurred October 18-19, 2013.

10 **STIPULATION**

11 1. The original Complaint in this action was filed on October 26, 2012 against
 12 Defendants CrowdFlower, Inc., Lukas Biewald and Chris Van Pelt.

13 2. No case management conference has yet occurred and the Court has not yet issued
 14 any scheduling order.

15 3. The initial case management conference is scheduled for 2:00 p.m. on December 11,
 16 2013.

17 4. The parties participated in mediation on October 18-19, 2013. In anticipation of
 18 mediation, the parties sought and the Court granted a stay, pending mediation, up to and including
 19 October 31, 2013. (Doc. No. 177).

20 5. Based on the mediation and subsequent settlement discussions, counsel for the parties
 21 believe that finalizing a settlement of this action is likely. However, given the complex nature of
 22 this putative collective and class action, additional time is needed by the parties to try to finalize all
 23 of the terms of a settlement agreement. The parties desire to focus their efforts on reaching a final
 24 settlement rather than devoting time, effort and expense to engaging in litigation activities.

25 6. The parties therefore seek a continuance of all litigation activities, including all
 26 activities associated with discovery and providing notice of conditional certification of a collective
 27 action (e.g., posting and servicing notice), for an additional thirty days, up through and including
 28 November 30, 2013. The parties further seek an automatic extension of the continuance, in the event

1 that the parties finalize a proposed settlement and file a motion for Court approval of same prior to
 2 November 30, 2013, until such time as the Court rules on that motion.

3 7. The continuance sought will help facilitate settlement.

4 8. If settlement is not achieved, the continuance sought will not materially delay or alter
 5 the progress of this litigation.

6 WHEREFORE, the parties mutually request that the Court enter the proposed Order below,
 7 thereby continuing the deadlines for all litigation activities, including responding to pending
 8 discovery requests and serving/posting notice of conditional certification of collective action, up to
 9 and including November 30, 2013 or, if a motion for Court approval of settlement is filed prior to
 10 that time, until such time as the Court rules on said motion.

11
 12 Dated: October 22, 2013

Respectfully submitted,

13
 14 LITTLER MENDELSON, P.C.

15 By: /s/ R. Bradley Adams

16 R. BRADLEY ADAMS (*pro hac vice*)
 ARTHUR M. EIDELHOCH
 GALEN M. LICHTENSTEIN
 JACQUELINE E. KALK (*pro hac vice*)
 KELLY D. REESE (*pro hac vice*)
 Attorneys for Defendants
 CROWDFLOWER, INC., LUKAS
 BIEWALD AND CHRIS VAN PELT

20
 21 Dated: October 22, 2013

WEINHAUS & POTASHNICK

22 By: /s/ Mark Potashnick

23 MARK POTASHNICK
 Attorneys for Plaintiffs
 CHRISTOPHER OTEY, MARY GRETH
 and the conditionally certified FLSA
 collection action class

PROPOSED ORDER

Good cause appearing therefore, the foregoing Stipulation Re: Continuance of Litigation Activates Pending Anticipated Settlement and Motion for Court Approval of Same ("Stipulation") is hereby approved and it is hereby ORDERED that:

All litigation activities, including responses to pending discovery requests and service/posting of notice of conditional certification of collective action, are continued up to and including November 30, 2013. It is further order that in the event that the parties reach a final settlement and file a motion for Court approval of same on or before November 30, 2013, this continuance shall be automatically extended until such time as the Court rules on the motion.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

**HONORABLE JON. S. TIGAR
UNITED STATES DISTRICT COURT JUDGE**

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